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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RIGHTHAVEN LLC,

Plaintiff,

v.

JAMES MATTHEWS, et al.,

Defendants.

2:10-CV-1763 JCM (GWF)

ORDER

Presently before the court is the matter of *Righthaven LLC v. Matthews et al.*
(2:10-cv-01763-JCM -GWF).

On October 12, 2010, plaintiff filed the instant complaint with this court. (Doc. #1). On February 16, 2011, the clerk of the court instructed plaintiff that the action would be dismissed as to defendant Muscle Cars of America pursuant to Federal Rule of Civil Procedure 4(m) if it did not file proof of service of process by March 18, 2011. (Doc. #9). Federal Rule of Civil Procedure 4(m) provides: "If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice." To date, plaintiff had not filed proof of service with the court as to defendant Muscle Cars of America.

Accordingly,

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1 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant Muscle Cars
2 of America be, and the same hereby is, DISMISSED from this action without prejudice.

3 DATED March 29, 2011.

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5 
6 UNITED STATES DISTRICT JUDGE